

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ALISSA MOON and YASMEEN DAVIS,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

BREATHLESS, INC. a/k/a VISION FOOD &
SPIRITS d/b/a BREATHLESS MEN'S CLUB,

Defendant.

Civil Action No. 15-06297(SDW)(LDW)

ORDER

November 30, 2015

WIGENTON, District Judge.

This matter, having come before this Court on Defendant Breathless, Inc.'s ("Defendant") Motion to Dismiss in Favor of Arbitration or, in the Alternative, to Stay this Action Pending Arbitration (Dkt. No. 12); which this Court considers a motion to dismiss and compel arbitration or, alternatively, to stay this action pending arbitration as to Plaintiff Moon's claims as well as a motion to dismiss for lack of subject-matter jurisdiction under Fed. R. Civ. P. 12(b)(1) as to Plaintiff Davis's claims; and this Court having read and considered the parties' submission and good cause having been shown,

IT IS on this 30th day of November, 2015,

ORDERED that Defendant's Motion to Dismiss in Favor of Arbitration or, in the Alternative, to Stay this Action Pending Arbitration is **GRANTED** in part (as to Plaintiff Davis's claims) and **DENIED** in part without prejudice (as to Plaintiff Moon's claims) such that all of Plaintiff Davis's claims are **DISMISSED** and Plaintiff Moon's claims remain; and it is further

ORDERED that the parties are to engage in limited discovery on the validity and scope of the agreement to arbitrate in the January 5, 2015 "Independent Dancer Rental Agreement" (Dkt. No. 12, Attach. 1 at 4-7.)

s/ Susan D. Wigenton, U.S.D.J.

Orig: Clerk
cc: Leda D. Wettre, U.S.M.J.
Parties